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RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

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REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Note by the Secretary-General transmitting reviews and recommendations concerning the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance received from specialized agencies, other international organizations, concerned United Nations bodies and regional organizations

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CONTENTS

		Page
Introduction		3
I.	REPLIES RECEIVED FROM UNITED NATIONS BODIES AND SPECIALIZED ORGANIZATIONS	4
A.	Office of the United Nations High Commission for Refugees	4
B.	United Nations Development Programme and United Nations Volunteers	10
C.	United Nations Development Fund for Women	11
D.	United Nations Population Fund	21
E.	International Labour Organization	24
F.	United Nations Educational, Scientific and Cultural Organization	25
II.	REPLIES RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS	26
A.	Inter-American Indigenous Institute	26
B.	International Organization for Migration	26

Introduction

1. In paragraph 37 of its resolution 154/54, the General Assembly requested Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, and other human rights mechanisms to assist the Preparatory Committee and to undertake reviews and submit recommendations concerning the World Conference and the preparations therefor to the Preparatory Committee through the Secretary-General.

2. In response to a note verbale of 9 February 2000 requesting information, replies were received from the following United Nations bodies and specialized agencies: Office of the United Nations High Commissioner for Refugees (UNHCR); United Nations Development Programme (UNDP) and United Nations Volunteers (UNV) (joint reply); United Nations Development Fund for Women (UNIFEM); United Nations Population Fund (UNFPA); International Labour Organization (ILO); and United Nations Educational, Scientific and Cultural Organization (UNESCO). Replies were also received from the following intergovernmental organizations: Instituto Indigenista Interamericano; and International Organization for Migration (IOM). The present report, submitted pursuant to General Assembly resolution 54/154, reproduces the substance of these replies.

I. REPLIES RECEIVED FROM UNITED NATIONS BODIES AND SPECIALIZED ORGANIZATIONS

A. Office of the United Nations High Commission for Refugees

1. What sets refugees apart from other categories of people in need of humanitarian aid is their need for international protection. Most people can look to their own Governments and State institutions to protect their rights and physical security, even if imperfectly. Refugees cannot. The protection that the international community extends to refugees recognizes the specific needs of people who have good reason to fear that effective protection will not or cannot be provided in their own countries.

2. The core of international protection is the principle that people should not be forced to return against their will to a country in which their lives or freedom would be endangered because of "race, religion, nationality, membership of a particular social group or political opinion". The principle of non-refoulement is therefore extremely important in the protection of refugees. Protection must include both the physical security and human dignity of refugees. The essential elements of international protection, then, are admission to safety, exemption from forcible return (non-refoulement), non-discrimination, and assistance to meet their basic needs and fundamental human rights.

3. Many of the people in need of protection are fleeing from armed conflict, generalized violence, severe disruptions of public order or widespread abuses of human rights. The process of becoming a refugee is not instantaneous. It proceeds through the often slow growth of root causes to the sudden flash of an immediate catalyst that generates actual flight.

4. Traditionally, the need for international protection was seen to arise only after a refugee had crossed a border and ceased to apply when a solution was found. This no longer applies as millions of people have become displaced within their own countries and the recognition of the need to monitor returnees after they have returned to their countries or places of origin.

5. UNHCR's protection strategy therefore encompasses a comprehensive policy that deals with the whole cycle of forced displacement. Firstly, it seeks with others, to prevent the deterioration of conditions to the point where people are forced to flee. Secondly, it tries to meet their needs for protection and assistance during flight and in countries of asylum. Lastly, it tries to promote and contribute to the safety and welfare of refugees in the early stages of repatriation to their countries of origin. UNHCR has seen at first hand, that issues of racism and intolerance are serious obstacles at each stage of this displacement cycle.

6. Refugee numbers have been increasing dramatically. The world's refugee population has grown to 22.2 million. Millions more people have been uprooted but remain displaced within their own countries. UNHCR has reacted by trying to address the refugee problem in its totality, from exodus, protection during asylum to voluntary return and successful reintegration. In seeking durable solutions to refugees' problems, UNHCR attempts to help those who wish to return to reintegrate into their countries of origin. Failing that, UNHCR assists in other durable solutions such as local integration in the host State or resettlement to some third country.

7. Conflicts and tensions between ethnic groups have proliferated in nearly all parts of the world. Armenia, Azerbaijan, Kosovo, former Yugoslavia, Sierra Leone, Rwanda, Burundi, Sudan, Eritrea, Indonesia and Ethiopia are among the long list of examples. Very few States are ethnically homogeneous.

8. Ethnic and racial tensions can be seen as a root cause of refugee flows for two reasons. First, they can be a consequence of, or form an intrinsic part of, political strategies to exploit the differences between different ethnic groups in order to mobilize support. Ethnic antagonisms can be deliberately fanned for their own and sometimes unrelated ends. Second, despite the fact that most States contain a variety of ethnic groups, the ethnic identity of a single group is all too often made into a defining characteristic of nationality. Some minority groups may be seen as an obstacle to nation-building, incapable of adapting to a homogenous, national identity.

9. Recurrent conflict among ethnic or communal groups within a State calls for mediation by the central Government. If the State is party to the conflict or if it is otherwise unwilling to perform its mediating role effectively, "ethnic cleansing" or other forms of forcible segregation of populations may be the result. This can lead to the creation of very large flows of refugees as in Kosovo, Bosnia and Herzegovina, Armenia, Azerbaijan and Rwanda.

10. While the events that trigger refugee outflows are specific to each particular setting, certain common characteristics are apparent. The immediate cause of flight is in most cases an imminent threat to life, liberty or security. The deliberate expulsion of an ethnic group may be the direct tactic and object of the conflict itself.

11. A requisite for the prevention of refugee flows and for the promotion of voluntary repatriation as a solution to refugee problems is sufficient political will by the States directly concerned to address such issues such as respect for human rights, the non-use of force, the peaceful settlement of disputes and economic and social development.

12. The impact of forcibly displaced persons, including refugees, on the host State and population can be significant, particularly in mass influx situations. Some host communities regard the arrival of refugees as an unwelcome disruption to their normal lives. Some see refugees as a threat to their national way of life or culture and even as a threat to the national security and stability of the State. Yet others regard all foreigners as competition for limited local resources in the labour market or social welfare support systems. The positive contribution that refugees can make to their hosts' societies and the fact that they are in need of humanitarian support and protection which is lacking in their own countries, is often lost in the emotive debate about "unwanted" migrants generally.

13. This environment can be a fertile ground for racism, xenophobia and related intolerance to develop. It can be easily aggravated by an irresponsible media, a lack of education in the host population or by manipulation for political rather than humanitarian purposes. This environment can erode the quality of asylum offered by the host State and once it has taken root, it is not easily eradicated. To combat these negative trends, it is important that host populations are encouraged to see refugees not as ordinary migrants but people needing and deserving

international protection and support. This can be addressed, in part, through education programmes and responsible media coverage of refugee issues in order to de-dramatize and de-politicize issues that are, essentially, of a humanitarian character.

14. There are three durable solutions to refugee displacement: local integration in the host country; resettlement in a third country; or voluntary repatriation to a refugee's country of origin or place of former habitual residence. In relation to the first two options, racism and xenophobia will be serious obstacles to the successful integration of people into the new societies for some of the reasons given above. Although the most viable durable solution will depend upon the specific context of each refugee situation, voluntary repatriation will be the most preferred of the durable solutions to the refugee problem, particularly where mass movements of refugees are involved.

15. By September 1999, UNHCR had assisted some 513,000 refugees to return home. In the past, repatriation operations took place as the last stage in the process of a State's return to normality and usually after peace and stability had been restored to a country. However, in the 1990s we have seen that repatriation is increasingly taking place in less than ideal circumstances and sometimes in conditions of continued conflict and general insecurity in the country of return.

16. Today's large-scale returns tend to occur in the midst of this process. It is important to emphasize that refugees themselves play an important role in peace-building and peace-making process in the countries of origin. Negotiations on the terms of repatriation are often an important early step in establishing contact between opposing parties to a conflict. The transition to stable government may depend on returning refugees being able to take part in elections or referenda on the form of government and its leadership. Repatriation in an unstable setting poses considerable risk for refugees, but they often make the decision to return despite the dangers that confront them.

17. UNHCR's legitimate concern for the consequences of return has been acknowledged since 1985. UNHCR has sought to ensure the sustainable return or effective reintegration of refugees and, where relevant, internally displaced persons, which involves the reinstatement of national protection by the country of origin.

18. Some of the obstacles to the return of refugees to their country of origin can be attributed to a weak State and civil society which makes the process of peace-building and the creation of a stable and secure environment difficult. In addition, the precise nature of the return movement will also affect any peace-building process. Repatriation of refugees en masse, as opposed to smaller numbers over a long period of time, has significant implications for the reintegration process. It may affect the process of economic reconstruction, especially where large numbers of returnees place a strain on local resources and infrastructures. Large-scale return may also influence the policies and legitimacy of the State, especially in the context of elections, or where return alters the military or political balance of power from one ethnic group to another. Repatriation may also either facilitate or jeopardize the process of reconciliation between parties to a conflict.

19. Another consideration is that social and economic tensions caused by large-scale return may, in themselves, undermine peace-building efforts. For example, where large numbers of returnees wish to reclaim occupied property after a long period in exile the reintegration process will be very complicated.

20. Given the enormity of these challenges, the reintegration of returnees is treated as an integral element of the broader process of peace-building. Likewise, an effective process of peace-building will be sine qua non for the effective establishment of national protection. In order to meet these challenges, the state is essentially dependent on the successful reconstruction of civil society and the process of reconciliation. It is therefore crucial for States emerging from violent ethnic conflicts to secure the commitment and participation of all levels of society to the process of reconciliation.

21. Reconciliation in its widest sense requires that the parties to the conflict have a common understanding of the causes and nature of the conflict and develop some shared notions of responsibility. At the very minimum, reconciliation involves ensuring the peaceful coexistence of parties to the conflict. Reconciliation has a number of components, including consensus-building on notions of responsibility and justice. It also involves the promotion of human rights and minority rights through legislation and education, and some form of equitable redistribution of economic and social wealth of the "new" society goods. Finally, it is vital to provide a safe environment for people to be able to invest in rebuilding social relations.

22. In 1985 the UNHCR Executive Committee concluded that the monitoring of amnesties, guarantees and assurances "should be considered as inherent in the High Commissioner's mandate". Since the early 1990s UNHCR's protection role has extended beyond the monitoring of amnesties and guarantees, to monitoring key human rights of refugees. In this context key human rights are understood to mean, at a minimum, the right to life, liberty and physical integrity. Increasingly, UNHCR also monitors a broader set of rights, including access to due process, property restitution or compensation, education, right to work, the right to freedom of movement. In some recent return operations, such as in Rwanda, Kosovo and former Yugoslavia, UNHCR has also introduced new approaches to protection, supplementing monitoring with protection activities such as promotion of freedom of movement and inter-ethnic reintegration.

23. Central to the role of human rights monitoring has always been the principle of non-discrimination between returnees and local populations. Once it has been established that returnees were not discriminated against in the enjoyment of key human rights, or if discrimination persisted but national institutions provided an adequate remedy, then it was commonly assumed that UNHCR could phase out its monitoring activities in the country of origin. More recently, in the context of complex multinational peace keeping operations, UNHCR has also increased its collaboration with military and human rights actors in order to encourage or assist the State in providing national protection to returnees.

24. Monitoring is often complemented by activities to promote equity, justice and demilitarization. Community-based activities at the grass-roots level are particularly valuable

and effective and often involve multilateral partners. Clearly, for repatriation to be sustainable and if the root causes of refugee flows are to be curbed, then strong action must be taken at the national level to deal with discrimination against minority groups upon their return.

25. Conflict and tension increase when affected groups resolve to fight back, or seek other remedies. Racism or discrimination on the basis of race and ethnicity affects all of us and all of us have the responsibility of challenging and ending it. Efforts must be made to ensure that this issue is tackled by all concerned parties. There can be no doubt that failure to take positive action often leads to more serious social problems, even to violent conflict and the outflow of refugees. The protection of returnees from discrimination of any form and the protection of the rights of minorities in general becomes imperative.

26. Although the context of refugee displacement varies greatly from situation to situation, there are a number of common issues relating to racism and discrimination that will always need to be addressed if refugees are to be treated humanely during the period of displacement and in common efforts to find durable solutions to it:

- States should ensure that all sectors of the society take concerted action to address with urgency the persistence of racial division and conflict in the society, especially the persistence of racism against people perceived as "foreigners" or "aliens". This requires sustained educational and proactive initiatives in those various sectors at the community level which are geared towards promoting harmonious social relations between different ethnic groups.

- The major institutions at all levels of community life should be targeted. For example, the family is the primary building block for the healthy development of the child and needs specific attention if future generations are not going to be drawn into the same cycles of prejudice and intolerance that give rise to further refugee displacement; the schools, colleges and universities are places of growth and enlightenment where a culture of respect for human dignity and difference can be developed; law- and policy-makers and other members of the elite in any society are opinion-makers who can mould the shape and future direction of the society; the workplace is where reward and advantage can take place in a spirit of competitiveness but where respect for human dignity and non-discrimination on the grounds of race can be respected; religious leaders and religious institutions will be essential if moral, ethical and spiritual rejuvenation of the society is to take place.

- States at the national and local levels need to invest more resources and efforts towards eliminating the root causes of racism and xenophobia in the society. What is needed is for States to help bring about a change in the economic, social, political and ethical policies that encourage or allow racism, xenophobia and discrimination against returnees.

- States should take the lead in promoting intercultural activities where all sectors of the community participate in and learn from each other in the spirit of harmony and mutual respect and cooperation. In these initiatives, NGOs and the various religious organizations would be willing partners.

- Public officials, in recognition of the influence they exercise on public opinion must be made more responsible and accountable for their public statements. They should reflect on and be made aware that they contribute to social tensions.

- To help create and foster healthy social attitudes, there is a need to expand communication and education about racism and xenophobia. Ongoing public information campaigns by States, NGOs, UNHCR and other United Nations agencies should be encouraged. Here, the media have an essential function as a tool for positive social change as opposed to an instrument to propagate hatred and intolerance. The mass media can shape perceptions and attitudes and media reporting and commentaries often stereotype minorities. Given the importance of the media, United Nations agencies and all responsible sectors within the State should sensitize the public to the existence and extent of racist and xenophobic prejudices and their consequences. In other words, the media should be used as a conduit for positive rather than negative messages.

- In the search for solutions to the problem of racism and xenophobia, we must not only debunk assumptions about the socio-economic context in which they are supposed to occur - and which have often been used by some groups to encourage it - but we must seek actively to eliminate economic racism and ethnic discrimination from the structures and systems of government itself.

- The perpetrators of racist and xenophobic violence must be effectively and openly condemned through the courts of law, human rights commissions and ombudsmen's offices. The judicial system and penal institutions must ensure that racially motivated attacks are not tolerated and that a culture of impunity is not allowed to take hold in any "newly" forming society. This should take place at the international and national levels.

- There is also a need for strong and independent advocacy by NGOs in order to sensitize the public and government officials on the issue of racism and ethnic discrimination and xenophobia. As a corollary, State party reporting to the Committee on the Elimination of Racial Discrimination should take place in a spirit of open and constructive dialogue rather than one characterized by defensiveness and suspicion of external interference.

- Independent national human rights commissions, ombudsmen offices and members of the judiciary within the State will also be crucial partners in overcoming racism and xenophobia, ethnic tensions and discrimination against minorities.

27. If all of these efforts are addressed in a comprehensive and rational way, then two purposes will be served. First, returnees will be humanely and effectively reintegrated into the fabric of their former societies. Second, the root causes of any future displacement will be addressed and hopefully ameliorated before they are too far advanced and become intractable. No one can pretend these efforts are easy. They require the collective and comprehensive engagement by all members of the international community and those at all levels of civil society in countries of asylum and within the country of return.

B. United Nations Development Programme and United Nations Volunteers

1. In their joint reply, UNDP and UNV recommended: that the diverse volunteer movements against racism and all forms of exclusion be supported; that human rights education be expanded worldwide and begin at a very early age; that the mix of United Nations personnel be made systematic to demonstrate the United Nations principle against racial discrimination, especially with regard to programme staff in direct contact with local populations; specific and adequate sensitization of United Nations personnel be ensured on issues related to racism, xenophobia and intolerance; and that more funding be secured for a programme aimed at fighting racism, xenophobia and intolerance. UNV also highlighted its contribution to fighting intolerance and exclusion in statistical charts indicating the origins of United Nations Volunteers.

2. Through both development projects and those that respond to conflict situations, UNV is engaged in anti-discrimination activities such as the following:

(a) The Highland People's Programme supports the right to development and increased self-determination of the 22 million people belonging to over 100 different ethnic minority groups living in the highlands of Cambodia, the Lao People's Democratic Republic, Thailand and Viet Nam;

(b) Support to the Peruvian Ombuds Office: through this project, 17 human rights specialists provide support to the Peruvian Ombuds Office in extending its "outreach capacity" to disadvantaged groups in small communities, both through strengthening of the institution's geographic coverage and direct placement of volunteers within targeted communities using primarily the national UNV modality;

(c) Sustainable development for Lake San Pablo Basin indigenous communities: 17 international and national UNVs work with a local NGO to empower 23 communities around the "San Pablo Lake" watersheds in Ecuador, focusing on sustainable income generation, capacity-building, and institutional and organizational strengthening of the communities.

3. Moreover, UNV has been involved in:

(a) MINUGUA: 220 UNVs have been engaged in the mission since 1994, initially focused on verifying and later monitoring the implementation of the peace accords and sub-accords dealing with indigenous peoples' cultural, civil, political, social and economic rights, as well as the struggle against de jure and de facto discrimination;

(b) UNV Peace Promoters: since 1997, within a cooperation agreement between UNDP and the Swedish Government, 53 UNVs have provided technical assistance to 21 local governmental and non-governmental institutions in their efforts to implement the peace accord in Guatemala, with emphasis on strengthening indigenous populations' rights;

(c) Georgia and Bosnia: within UNV peace-building/confidence-building projects, UNVs have been promoting reconciliation and cooperation through shared goals and understanding between different ethnic groups and factions in war-affected communities, and expanding a local capacity to support such work;

(d) Kosovo: over 200 UNVs are supporting the United Nations Mission in Kosovo (UNMIK) to promote a multi-ethnic, human rights-based and non-discriminatory legal and administrative system. Within the UNMIK Joint Registration Exercise a group of 400 additional UNVs is expected to support the upcoming elections, including the establishment of an all-inclusive civil register as part of a joint UN/OSCE exercise;

(e) Philippines: national UNVs assisted the Government, the Moro National Liberation Front (MNLF) and key civil society actors in confidence-building measures in the post-conflict areas of Mindanao and Palawan;

(f) Burundi: UNV is working in partnership with UNESCO in a Culture for Peace project that is mobilizing the various components of society such as students, women, elders, etc. to develop non-combative conflict-resolution techniques;

(g) Rwanda: in a community-based programme, UNVs are working with both ethnic groups to jointly identify and implement projects needed by the community;

(h) Inter-agency cooperation: this is UNV's main area of support in the struggle against racism and other forms of discrimination. For example, working within UNHCR programmes in Bosnia and Herzegovina and elsewhere, an integral part of the Volunteers' work has been promoting respect for human rights.

C. United Nations Development Fund for Women*

1. Addressing forms of intolerance in a comprehensive manner requires unmasking the ways in which racism intersects with gender and other status. A gender analysis is needed to make racism more fully visible, because racial discrimination does not always affects men and women equally, or in the same way. Women often experience compounded or intersectional discrimination, in which their experience of gender discrimination intersects with racism and related intolerance.

2. By not taking gender into account, certain forms of racism may go undetected. Because women comprise approximately 50 per cent of the world's populations affected by racism, failure to respond to discrimination at the intersection of race and gender has serious and widespread consequences. Recognizing the multiple barriers to women's empowerment and advancement because of such factors as their race, age, language, ethnicity, culture, disability, or because they are indigenous people, the Beijing Platform for Action acknowledges that gender subordination may be informed and heightened by racism, xenophobia, and other experiences. Similarly, because racial discrimination may exist or be intensified due to its intersection with gender, attempts to address the persistence of racism must incorporate a gender analysis to be effective and inclusive.

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* UNIFEM provided extensive references for its contribution. These can be consulted at the secretariat.

3. The human rights framework, which will animate but not confine the World Conference agenda, emphasizes the notion that rights are interdependent and indivisible. The primary treaty mechanisms that address race and gender discrimination acknowledge the crossroads of gender and race. The Convention on the Elimination of All Forms of Discrimination against Women states in its preamble that the "eradication of apartheid, all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women". Significantly, amendments to the reporting guidelines for article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination made by the Committee on the Elimination of Racial Discrimination (CERD) now ask States parties "to describe, as far as possible in quantitative and qualitative terms, factors affecting and difficulties experienced in ensuring for women the equal enjoyment, free from discrimination, of rights under the Convention".

4. Several other major human rights treaties and standards provide anti-discrimination protections based on race and gender. Such guarantees are articulated in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child and the Standard Minimum Rules for the Treatment of Prisoners.

5. Women may experience some forms of racism specifically because of their gender, such as sexual violence against women members of particular racial or ethnic groups during armed conflict. Women may also be disproportionately affected by the experience of racism when, for example, due to labour market segregation and relative economic disadvantage, women are more likely to bear the brunt of discriminatory and exploitative labour practices. This intersection of race and gender is amplified by economic rights violations, which disproportionately affect women who face dual or multiple forms of discrimination based on race, gender, immigration and other status.

6. The term "racial discrimination" recognizes that race and ethnicity are socially constructed, and tracks the broad definition included by the International Convention on the Elimination of All Forms of Racial Discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, or human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". Use of the term "minority groups" here refers to communities lacking power whose status is socially constructed through historical relationships based on power that is justified through perceived difference due to race, ethnicity, colour, descent, national origin, religion, language, culture, caste, class and other status.

7. Consistent with the language of the Convention on the Elimination of All Forms of Discrimination against Women, we explore the groundwork for "gendered" experiences of racism, particularly as racism affects immigrant communities, indigenous peoples, minority groups, those affected by colonialism and neocolonialism, and those affected by group-based conflict. In addition to analysing manifestations of racism within particular country contexts, we also address colonialism as a "raced" experience. Far from being a distant phenomenon of an

imagined past, colonization continued well past the Second World War. Indeed, the effects, particularly the economic effects, of colonization continue to this day, including reliance on single crop economies (which makes countries vulnerable to shifting global prices) and reliance on cheap and exploitable labour.

8. A gender analysis of racism could build on the progress achieved in the Beijing Platform for Action. The present paper focuses on 9 of the 12 critical areas of concern identified in the Beijing Platform for Action to illustrate ways in which discrimination at the intersection of race and gender continues to limit opportunities for women and must therefore be the focus of serious examination.

9. The Platform for Action states: "All human rights - civil, cultural, economic, political and social, including the right to development - are universal, indivisible, interdependent, and interrelated" and "Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights." Women of disadvantaged groups are both subject to human rights violations in disproportionate ways and do not have access to remedies on an equal basis. Two examples serve to illustrate this particularly well.

10. In Australia, the rights of Ngarrindjeri Aboriginal women to protect a sacred site for religious purposes were denied when the highest court rejected their racial discrimination challenge to a bridge construction project on Hindmarsh Island. The Government required the groups to verify the religious basis of their claims, but the women refused to reveal the basis of their beliefs based on the sacredness of those beliefs. Racial and gender stereotypes regarding the Ngarrindjeri's "secret women's business" informed the Australian Government's handling of the case.

11. In the United States, where mandatory sentencing policies have an adverse impact based on race and gender, African American women constitute the fastest-growing segment of the prison population. Laws limiting prisoners' access to the courts restrict remedies for women bringing challenges to dual and multiple forms of discrimination in the criminal justice system.

12. International human rights law has long prohibited State-sanctioned violence against individuals and has imposed affirmative obligations upon States to protect individuals from violence by both private and public actors. In some cases, however, where gender and race converge to make women of disadvantaged racial groups among the most powerless in society, rates of violence are particularly high. For example, owing to the lingering effects of apartheid and colonialism in South Africa, there is a high incidence of sexual violence by White male farmers who prey on African women farm workers who work their land. This pattern of violence against women, many of whom come from neighbouring African countries and occupy migrant status, replicates the gender and racial dynamics and violence that characterized apartheid. Violence is also used to target women perceived as being part of an economically elite ethnic minority. During a period of civil unrest in Indonesia in 1998, hundreds of ethnic Chinese women were specifically targeted for rape and sexual torture. Rigid caste systems, as in India, render Dalit ("untouchable") women particularly vulnerable to sexual violence and abuse.

13. In addition to the physical and psychological harm that affects all battered women (which makes it difficult to break the "cycle" of violence), domestic violence victims who belong to marginalized ethnic or racial groups confront additional obstacles to escaping violence. Battered women of colour may face language barriers or cultural insensitivity. In the United States, for example, the legal requirement that women who come to the country through their United States citizen husbands hold "conditional" status for two years, prevents many immigrant women from seeking redress. The failure of many countries to recognize gender-based violence as grounds for asylum also has an adverse impact on immigrant women.

14. Indigenous women or women from racially or ethnically marginalized groups may fear State authority if the police have traditionally used coercive and violent means of criminal enforcement in their communities. Furthermore, those who seek relief from the State for gender-related violence committed by male members of their racial, ethnic, religious, and indigenous communities often face pressure not to report violence due to the fear of greater group stigmatization.

15. Community members may invoke customary and religious practices to justify violence directed towards women. This has important gender and race implications because such justifications tend to (mis)appropriate arguments regarding Western or White cultural imperialism. Those seeking to justify gender-related violence may accuse challengers of imposing Western or White cultural norms upon their own distinct cultures. For example, opposition to so-called "honour killings" in Jordan or to female circumcision in parts of Africa and the African Diaspora are characterized as being led by "Western" feminists. In addition to minimizing violence against women, such appeals to the communities' shared racial, national, cultural or religious identity can serve to rationalize non-interference by the State. Similarly, some Islamic men appeal to the shariah to authorize beating their wives and to justify non-interference by the State. These uses of racial, national, cultural and religious identity to normalize gender-based violence, as well as State acquiescence and failure to remedy this violence, must be informed by an analysis of race and colonialism.

16. Violence against women is rampant during periods of armed conflict, although international law prohibits genocide, war crimes and crimes against humanity. In the context of recent ethnic-based conflicts in Bosnia and Rwanda, rape and sexual violence have been used to target women of particular ethnic groups and as an instrument of genocide. In Rwanda, the genocide exploited racial and gender stereotypes; for example, Tutsi women were portrayed as evil temptresses and spies. Reports from East Timor also confirm the use of rape in retaliation against East Timorese women believed to have supported the vote for East Timorese independence and decolonization from Indonesia. As noted in the Platform for Action, "some of these situations of armed conflict have their origin in the conquest or colonization of a country by another State and the perpetuation of that colonization through State and military repression". Another example is the sexual enslavement by the Japanese military of women from Korea, the Philippines, Taiwan, Malaysia and Indonesia during the Second World War.

17. Ethnic conflict produces many refugees and internally displaced persons. International human rights instruments have long recognized the rights of female refugees. In addition to confronting the same problems that their male counterparts face, women who are refugees or internally displaced struggle with gender-related issues such as increased vulnerability to sexual

violence, newly acquired head of household status, gender and racial economic inequality, increased domestic violence, and gender-based limitations on freedom of movement. For example, Burundian women in refugee camps in Tanzania have been regularly attacked while conducting daily tasks. In fact, 80 per cent of the world's refugees are women and children, although these groups have traditionally been marginalized in asylum law.

18. In post-conflict reconstruction efforts in the aftermath of ethnic conflict, women's changed circumstances require specific attention to their rights. Female victims of ethnic-based and other genocides face unique problems associated with sexual violence, such as pregnancy, guilt and community stigma. In Bosnia and Herzegovina's reconstruction programme, discrimination against women has diminished their employment opportunities. In Rwanda, women still cannot inherit property from their male relatives who were killed during the genocide there. A gender analysis in post-reconstruction initiatives can recognize the importance of providing economic opportunity to women, especially in light of the fact that women of racially disadvantaged groups everywhere currently live in poverty at disproportionately high rates.

19. International human rights law recognizes the right to an adequate standard of living and the State's obligation to provide the means for women and men to achieve humane living standards. However, globalization, privatization, structural adjustment policies, and the weakening or removal of social safety nets undermine this right, with a particularly adverse impact on minority, immigrant and indigenous women, as well as for women in countries that have recently been decolonized or continue to experience forms of neocolonialism. The cuts in social spending and public sector jobs that have accompanied structural adjustment and welfare reform policies, for example, disproportionately affect women at the intersection of race and gender. Moreover, the multiple roles women play and the burden of working harder to find clean water, fuel, food supply and health care as a result of these policies are complicated for women of disadvantaged racial, ethnic, immigrant, and indigenous groups in societies. These groups often face patterns of residential segregation by race, racial discrimination by social service providers, restrictions prohibiting immigrants from accessing social services, and the absence of materials in more than one language describing how to access social services.

20. Finally, in certain racial and ethnic groups, families tend to be headed by single mothers, who are especially vulnerable to government spending cuts. This is particularly true for women who survive their male relatives following an ethnic-based genocide or war (as in Rwanda and Bosnia), or who lose their male relatives to prison, homicide, or economic dislocation (as in the African American community in the United States). This phenomenon is exacerbated by racial and gendered stereotypes that construct, for example, African American women in the United States as paradigmatic welfare recipients, who the stereotype insists are lazy "welfare queens" or "welfare cheats" with out-of-control sexual habits that result in large families.

21. Strategies to alleviate poverty must take into account the multiple barriers that poor women face. For example, microenterprise development must recognize the fact that race and gender discrimination may limit access to resources, such as credit, for women from disadvantage d racial, ethnic and immigrant communities. Along the same lines, measures relating to land reform in indigenous communities must address women's right to own and inherit land and property.

22. Women's education and training are intimately linked to women's experience of poverty. United Nations treaties and declarations establish the right to education, including the right to equal educational opportunities. Despite these guarantees, a race and gender analysis indicates that women from certain disadvantaged racial, ethnic, immigrant and indigenous communities have lower rates of literacy, secondary school attendance and graduation, access to higher education, and enrolment in scientific and other training programmes that cultivate skilled workers.

23. The literacy rate for women worldwide is 71.48 per cent, compared to 83.71 per cent for men. In the developing countries, the literacy rate for women is 39.3 per cent, while it is 59.19 per cent for men. Seventy-three million out of the 130 million school-age children who do not receive an education are girls, or about two out of three. Of all 960 million illiterate adults, two thirds are women. Although these statistics are not disaggregated by race, other evidence suggests that women and girls of disadvantaged racial, ethnic, immigrant and indigenous groups have fewer educational resources. In South Africa, where the educational system is still fairly segregated by race, girls of racially disadvantaged groups are doubly affected because they tend to work earlier to support their families, and have little education due to the expectation that they will marry. In the Czech Republic and Bulgaria, Roma children are disproportionately placed in schools designed for the mentally retarded.

24. Affirmative action programmes recognize the role that apartheid, colonialism, slavery, and discrimination have played in foreclosing educational access for certain communities and women, particularly at higher levels of education. Also emerging are innovative programmes that challenge racial and gender stereotypes, by encouraging education and training for women of disadvantaged groups, particularly for fields formerly closed to them, such as science and math. Because education and training are closely linked to employment opportunities and economic success, addressing race and gender inequalities and these areas is a significant key to securing women's rights in other areas.

25. United Nations treaties and declarations establish women's right to equal access to socio-economic mobility and opportunity through education and employment. However, barriers to women's advancement remain. Employment opportunities remain particularly limited for minority, immigrant and indigenous women in industrialized countries, as well as for women in former colonies that are less developed countries. Many of these women hold jobs in free trade zones, the informal economy, the underground economy, or unregulated sectors that operate parallel to more formalized and unionized sectors.

26. Export processing zones (EPZs) have high concentrations of immigrant women and attract multinational corporations, which frequently subcontract overseas and benefit from intraregional racial hierarchies to guarantee low labour costs. Multinational corporate mobility contributes to the problem. For instance, apparel companies may contract with male factory owners from East Asian countries, such as the Republic of Korea, who then oversee female workers from South-East Asian countries such as Thailand, Viet Nam and Myanmar. While EPZs provide employment opportunities, they often extend a lower level of labour protections than are available in the mainstream economy.

27. Even in the formal economy, women of racially disadvantaged groups find sticky floor, broken ladders, locked doors, and glass ceilings preventing their access to equal opportunity. Employers tend to have considerable power over these women owing to a confluence of gender, race, language, and immigration status-related factors. Wage disparities between White and Black workers often intersect with wage disparities between men and women, which leave Black and other minority female workers at the bottom of the labour market. For instance, the Special Rapporteur on racial discrimination found that Black women in Brazil "receive the lowest salaries (four times lower than those of a White man), are employed in the most unhealthy locations, work a triple working day and face threefold discrimination" (E/CN.4/1996/72/Add.1, para. 31). In the United States, immigrant women of Latino and Asian descent are often limited to work in garment factories, sometimes in sweatshop conditions characterized by sub-minimum wages and poor working conditions.

28. Immigrant and migrant women worldwide face unique obstacles to their full enjoyment of human rights due to a combination of gender, race, ethnicity, language, immigration, and class status factors. Immigrant women domestic workers, for example, are particularly vulnerable because they often cannot access the public sphere. Many such domestic workers come from poorer countries in Asia, such as the Philippines, Indonesia, Thailand, Bangladesh and Sri Lanka, to work in the Middle East and affluent East Asian States, where they face racism from the larger society. Domestic laws may compound the problems faced by immigrant and migrant women, as in the case of Hong Kong's "two-week" rule, which requires foreign workers to leave the country within two weeks after the expiration of their contracts, or the United Arab Emirates' lack of response to reports of abuse, including sexual abuse, of domestic workers. Employers and/or the State often fail to provide female domestic workers and other low-wage workers with access to health care.

29. Women have the right to enjoy the highest degree of physical and mental health. A variety of factors, including racial discrimination, neocolonialism and poverty, prevent women of disadvantaged racial groups from accessing adequate health care. For example, African women experience disproportionately high rates of HIV/AIDS, which often goes untreated, in part owing to the unequal global distribution of health-care resources. African women's experiences with HIV/AIDS require specific gender-related attention because many women cannot protect themselves from the disease when they cannot control their birth control methods and their partners' sexual activities.

30. The privatization of health care in industrialized countries limits health-care access to minority women in industrialized countries. This problem is compounded by restrictions that limit public funding for reproductive health care for women. Gender and racial bias in the medical system and in medical practices also afflict minority women. Medical studies that fail to disaggregate data according to race and gender, or do not examine the specific health issues affecting women of colour, can overlook medical problems specific to certain women.

31. Forced sterilization and other coercive measures involving reproductive health have also targeted women of particular racial groups. For example, Roma women in Europe have been subjected to involuntary gynaecological examinations. Also, with population control measures informed by racial and gender stereotypes, women's bodies have become sites for policies that encourage reduced birth rates in the South and in minority communities in the North. In India,

for example, economic coercion was used to encourage Indian women to undergo sterilization procedures. In the United States, African American, Latina, and Native American women have been the targets of sterilization campaigns and selective drug screening and prosecution during pregnancy. Moreover, women of disadvantaged racial groups have been encouraged to participate in the use of experimental reproductive technology. For example, when HIV-positive Haitian refugees were detained at the United States naval base in Guantanamo Bay, Cuba, in 1993, doctors administered Depo Provera to female detainees and (mis)informed them that the birth control drug would help cure their AIDS.

32. There are also racial differentials in maternal and infant mortality rates. Indigenous women in Peru experience maternal mortality rates twice as high as the general population. In the United States Latina women are twice as likely as White women to die in childbirth; African American women are four times as likely to die in childbirth. The average infant mortality rate of 80 per 1,000 in Guatemala jumps to 160 per 1,000 in the highland areas populated by indigenous communities.

33. For indigenous women whose communities have been the targets of genocide and mass extinction, health issues are linked to racial discrimination. For instance, high rates of alcoholism among Native American communities in the United States can in part be traced to longstanding patterns of neglect and of racial discrimination against Native Americans. As a result, women and girls in such communities suffer from disproportionately high rates of foetal alcohol syndrome.

34. Mechanisms for reporting and remedying racial discrimination remain unavailable to many women owing to gender-related restraints, such as denial of suffrage, lack of legal capacity, gender-bias in the legal system, restrictions on women's access to public places, and discrimination against women in private spheres of life. While both the 1993 World Conference on Human Rights and the 1995 Fourth World Conference on Women declared that women's rights are human rights, and that women's equal enjoyment of human rights and fundamental freedoms do not occur automatically as a result of the overall protection and promotion of human rights, the various forms of racial discrimination experienced by women often escape detection if there is no explicit recognition and systematic or focused monitoring of the different life experiences of women and men in both public and private life. Additionally, structural imbalances of power between women and men, the systemic nature of discrimination against women and the general absence of women in law creation and implementation processes continue to reflect disproportionately the experiences of men and exclude the experiences of women. Immigrant women who fear losing their legal immigrant status often do not seek redress for domestic violence and labour rights violations.

35. To overcome these limitations, various international institutions and instruments call on multilateral and governmental entities to integrate gender perspectives into all policies and programmes. The Commission on Human Rights has recommended to the human rights treaty bodies to integrate gender. Recent initiatives such as the Beijing Declaration and Platform for Action commit Governments to mainstream gender. The agreed conclusion 1997/2 of the Economic and Social Council further compels mainstreaming gender.

36. Women's access to institutional mechanisms for advancement improves when more women have decision-making power. Women of racially disadvantaged groups are severely underrepresented in official decision-making capacities, in areas such as government, political parties, businesses and trade unions. Women generally comprise only 10 per cent of all legislative bodies in the world, and an even smaller percentage hold ministerial positions. Comparable statistics on political representation by women of racially disadvantaged groups are unavailable, but can be discovered by the disaggregation of data according to gender and race.

37. Women experience gender-related barriers to holding positions of power. These barriers include discriminatory attitudes, structural inequalities in women's education and employment, and the absence of gender issues on public agendas. Racial discrimination further inhibits their opportunities for assuming power.

38. In some circumstances, women's ethnic or religious communities may deny them the basic right to legal equality. Not only does this prevent women from assuming positions of power in the larger society, it inhibits women's decision-making capacity within the community. For instance, certain ethnic groups in South Africa treat women as minors, so that women cannot contract, acquire property, or marry without permission. Gender-bias in the membership laws of indigenous communities, which is prohibited by international human rights principles, also have the effect of denying indigenous women the ability to participate in community affairs.

39. In light of the complex intersections of gender, race and other status, changes in the reporting methodologies, information-gathering and working methods of the United Nations and other institutions would promote greater integration of gender into the effort to combat all forms of racial discrimination. The World Conference presents an important opportunity to take into account recommendations along the following lines.

40. Data disaggregation. Often, data collection on racial discrimination is not disaggregated along gender lines. Racial discrimination against women often goes unnoticed and unaddressed in the absence of data according to race and gender. Multilateral organizations, governmental entities and NGOs should disaggregate all information, particularly statistical data, collected on the racial or ethnic characteristics of a particular population additionally according to gender.

41. Information-gathering. Information collection should include a focus on issues that are particularly relevant to women of disadvantaged racial groups, which may be different from issues for men, even within the same community. The gender, race and other relevant characteristics of victims should be identified when possible. Information-gathering should include the extent to which human rights remedies are available to women of racially disadvantaged groups, and women's de facto and de jure ability to access such remedies. Governmental initiatives should address the role of non-States as well as State actors in violating the human rights of women, and develop approaches to reporting on economic, social and cultural rights in addition to civil and political rights.

42. Since community spokespeople are often men, information-gathering activities should specifically seek out the perspectives of women. This may require confronting language

barriers, women's inability to travel freely or learn about opportunities to speak with fact-finders, and community norms that pressure women not to speak about their rights violations. For instance, on-site visits should seek access to facilities and sites where women can speak directly to officials, in conditions designed to safeguard women's security and confidentiality. Staff should include individuals with gender expertise and female interpreters.

43. Gender-sensitive language and training. Governments should employ gender-inclusive and gender-specific language. Terminology should characterize gender-specific abuses as accurately as possible. All officials examining the problem of racial discrimination should receive training in recognition of women's human rights.

44. Collaboration between Governments and NGOs. International and national women's NGOs are a central source of information for reporting on the human rights violations of women in conjunction with special mechanisms, treaty bodies, and other United Nations institutions. Although many women belonging to disadvantaged groups do not have decision-making power through traditional channels, their participation in NGOs and grass-roots movements has enabled them to place their concerns on national, regional and international agenda. Increased communication, and the provision of resources and training to support women's NGOs' monitoring and documentation of violations should occur.

45. Academic institutions also provide an essential source of information and can provide appropriate gender-based analyses of racial discrimination. An electronic database can coordinate contacts, information and data among NGOs, academic institutions, think-tanks, and other bodies. Studies that use gender as a cross-cutting variable in racial discrimination issues should be commissioned.

46. CERD's request that States parties reports under article 9 include gender represents a commendable step forward. CERD should continue this progress by developing gender-sensitive standards for each of its articles and requiring reports to pay specific attention to gender and violations of the human rights of women.

47. Governmental bodies should pay specific attention to gender issues and incorporate a gender perspective in their work. The gender-specific dimensions of human rights may be identified by considering the effects of gender on: the form which a violation takes; the circumstances in which a violation occurs; the consequences of that violation for the victim; and the availability and accessibility of remedies.

48. In conducting investigations or reporting, women's experiences and the male-centred nature of economic, political and legal institutions should be fully considered. Where data according to gender is unavailable, written materials should state so explicitly.

49. Legislative and other recommendations regarding racial discrimination should also include gender-based acts in the definition of "racial discrimination".

D. United Nations Population Fund

1. The Programme of Action of the International Conference on Population and Development approved by consensus of 179 countries in September 1994, as contained in the report of the Conference and as endorsed by the General Assembly in its resolution 49/128 of 19 December 1994, marked the beginning of a new era in population and development. The landmark agreement reached at the International Conference on Population and Development broke new ground in the commitments reached: to raise the quality of life and the well-being of human beings; to promote human development by recognizing the interrelationships between population and development policies and programmes aiming to achieve poverty eradication and sustained economic growth in the context of sustainable development; to promote education, especially for girls, and gender equity and equality; to reduce infant, child and maternal mortality, ensuring provision of universal access to reproductive health services, including family planning and sexual health; to support sustainable patterns of consumption and production, food security and human resource development; and to extend human rights, including the right to development as a universal and inalienable right and an integral part of fundamental human rights.

2. The Programme of Action acknowledges that the goal of empowerment and the autonomy of women and the enhancement of their political, social, economic and health status is a highly important end in itself and is essential for the achievement of sustainable development. Greater investments in health and education services for all people, in particular women, to enable the full and equal participation of women in civil, cultural, economic, political and social life are essential to achieving the objectives of the Programme of Action.

3. The Programme of Action calls for the elimination of all practices that discriminate against women, and affirms that advancing gender equality and equity and the empowerment of women, the elimination of all forms of violence against women, and ensuring women's ability to control their own fertility are cornerstones of population and development-related programmes. It affirms that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights. It further affirms that reproductive rights embody certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning reproduction free of discrimination, coercion and violence, as expressed in human rights documents.

4. With particular reference to indigenous populations, the Programme of Action calls on Governments to address, in consultation with indigenous peoples and in collaboration with relevant NGOs and intergovernmental organizations, the specific needs of indigenous populations in all aspects of population and development, especially their needs in reproductive health care. The "Key actions for the further implementation of the Programme of Action of the International Conference on Population and Development", a result of the five-year review of the ICPD, reaffirms that Governments should promote and respect the rights of indigenous people, including access to reproductive health care services.

5. Even though the consensus documents from the conferences in Cairo and Beijing are not legally binding, both the right to the highest attainable standard of physical and mental health as stated in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the provision concerning health care and family planning in the Convention of the Elimination of All Forms of Discrimination against Women (arts. 10 (h) and 12) place obligations on States parties to implement the necessary services at the national level.

6. In general comment 24 of the Committee on the Elimination of Discrimination against Women (CEDAW) it is stated that this places an obligation on States parties to take "appropriate legislative, judicial, administrative, budgetary, economic and other measures to the maximum extent of their available resources to ensure that women realize their rights to health care". Even when States parties privatize their health sector, they still remain responsible for implementing such steps. Thus, there can be no doubt as to the obligations incumbent on States to secure reproductive health care services.

7. There are many ways to implement such services at the national level and to ensure that they respond to national needs. However, it should be kept in mind that these services are made to promote women's rights to reproductive health, and not to perpetuate inequalities based on cultural customs and practices.

8. The standard of health care, including reproductive health care and information available to indigenous women, is often inferior to that of the general population. In Guatemala, for instance, maternal mortality for indigenous women is 83 per cent higher than the national level. Moreover, poverty not only limits access to health care but also compounds the vulnerability of indigenous women to violations of their rights to reproductive and sexual health.

9. Adequate health care is often not delivered owing to the lack of information that is culture- and language-specific. Inadequate translation services could deprive indigenous women of relevant information on reproductive health procedures. Coercion in treatment and clinical procedures is a special concern among poor and indigenous women.

10. UNFPA supports programme activities in under-served areas, both rural and urban, in countries such as Viet Nam, India, Uganda and Mexico; these areas are often inhabited by indigenous peoples. UNFPA has helped implement national and regional activities that have targeted indigenous peoples in Panama, Ecuador, Bolivia and Peru. These projects focus on improving the access of indigenous people to quality reproductive health services. They include training and counselling components for health workers, as well as the provision of reproductive health equipment and contraceptives.

11. The broader aspects of UNFPA support to indigenous peoples has been handled by the NGO/Civil Society Theme Group, Technical and Policy Division, UNFPA New York. In addition, the Office of the Executive Director has appointed a focal point for indigenous peoples. In the field, UNFPA's regional Country Support Teams include sociocultural advisers who ensure that programmes are developed and implemented taking into account the perspective of indigenous peoples and other minorities. Finally, there are focal points for indigenous peoples in several of UNFPA's Country Offices.

12. UNFPA provided support for the participation of representatives of indigenous peoples in the development of the Programme of Action of the ICPD. In addition, UNFPA's programme and project development is a decentralized and consultative process that involves national counterparts, associations and individuals, including representatives of indigenous peoples whenever possible.

13. Apart from the regular resources, UNFPA received US$ 3 million from the United Nations Fund for International Partnerships (UNFIP) for the implementation of a project in Bolivia from 1998 to 2002. The project focuses on bi-literacy among Quechua-speaking women in the Departments of Potosi and Chuquisaca, integrating reproductive health and gender concepts.

14. UNFPA's programme coding system was recently revised to better reflect how gender concerns and vulnerable population groups are addressed in the Fund's programmes. The tracking of resources and activities to indigenous people/religious or other minorities is made possible by the new classification of project components/activities.

15. Some recommendations that warrant consideration are listed below:

- Develop comprehensive and accessible health services and programmes, including sexual and reproductive health, for indigenous communities with their full participation, that respond to the needs and reflect the rights of indigenous people.

- Allocate adequate budgetary, human and administrative resources to ensure the provision of reproductive health services to indigenous women.

- Place the gender perspective at the centre of all policies and programmes affecting women's health, in particular indigenous women and ethnic groups, and involve them in the planning, implementation and monitoring of such policies and programmes and in the provision of health services.

- Create permanent national and local working groups that include the participation of Governments, NGOs, women's groups and indigenous peoples to ensure that sexual and reproductive rights are explicitly covered in policies and legal reform.

- In order to ensure the rights of indigenous people, Governments should promote and protect the right to reproductive health, including family planning, with particular consideration to their cultures, resources, belief systems, and languages.

- Governments, in collaboration with research institutions and non-governmental organizations, as well as with the assistance of the international community, including donors, should strengthen national information systems to produce reliable statistics on a broad range of population, environment and development indicators in a timely manner. The indicators should include, inter alia, poverty rates at the community level; women's access to social and economic resources; enrolment and retention of girls and boys in schools; access to sexual and reproductive health services disaggregated by population subgroups, including indigenous people; and gender

sensitivity in sexual and reproductive health services, including family planning. In addition, in consultation with indigenous people, Governments should establish and strengthen national statistics and data collection concerning the health of indigenous people, including sexual and reproductive health and their determinants. All data systems should ensure availability of age- and sex-disaggregated data, which are crucial for translating policy into strategies that address age and gender concerns and for developing appropriate age- and gender-impact indicators for monitoring progress.

- Expand youth and adult education and lifelong culture- and gender-sensitive learning policies and programmes, with particular attention to indigenous people.

E. International Labour Organization

1. The main relevant ILO Conventions are the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); the Migration for Employment Convention (Revised) (No. 97), 1949, and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), 1975; and the Indigenous and Tribal Peoples Convention, 1989 (No. 169). There are a number of others that also touch on questions relating to racial and other discrimination.

2. The ILO also is making use of a new tool (The Declaration of Fundamental Rights and Principles at Work), adopted in 1998 to supplement its supervisory work based on ratified Conventions. In paragraph 2 of the Declaration, the ILO

> "Declares that all Members, even if they have not ratified the Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: ... (d) the elimination of discrimination in respect of employment and occupation."

3. There are two parts to the follow-up to the Declaration. In the first, those countries which have not ratified one or both of the ILO's principal Conventions on each of the four human rights subjects are to report each year to the Governing Body, and these reports will be examined at the annual March session. In the second, the Director-General will prepare each year a Global Report on one of the four basic rights, taking each in turn - the first report covering discrimination will be prepared in time for the 2003 Session of the ILO Conference. The information resulting from these examinations will of course be available for the United Nations.

4. The ILO conducts a number of activities designed to promote the ratification and implementation of the relevant ILO standards, and to promote the values contained in the Declaration. It conducts both "promotional" (i.e. training) activities, and direct technical assistance to member States. Such activities have in recent years covered assistance for the adoption of legislation on racial and other discrimination, for the creation and operation of national mechanisms designed to overcome discrimination, affirmative action programmes, and others. It would be glad to include the United Nations among its partners in these endeavours.

5. More generally, the ILO hopes the World Conference will be able to adopt statements of principle in line with those adopted in other international conferences in recent years which have dealt with gender issues and human rights questions. One of the questions which should be examined will be the effect of ethnic intolerance on the kind of internal conflicts which have erupted in recent years in all regions of the world, and how the international system can act to counter such intolerance and the effects it has on peace; the ILO has recently launched a programme for dealing with crisis situations which includes such problems.

6. Beyond statements of principle, it is hoped that the Conference will be the occasion for the international system to commit itself to examining the effects of its assistance on racial and ethnic discrimination, and to discussing how programmes intended to overcome it can be better coordinated at the headquarters and field levels. The ILO is looking forward to working actively with the organizations of the United Nations system in this regard.

F. United Nations Educational, Scientific and Cultural Organization

1. The UNESCO stand on racism was formulated in its Constitution which, in article 1, stipulates that human rights and fundamental freedoms "are affirmed for the peoples of the world, without distinction of race, sex, language or religion ..." and, in the preamble states that the Second World War "was made possible by the denial of the democratic principles ... by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races". By 1950, UNESCO had prepared a Statement on Race, followed in 1951 by a Statement on the Nature of Race and Race Differences. The organization's long experience in the struggle against discrimination led to the adoption in 1978 of the Declaration on Race and Racial Prejudice which denies all forms of discrimination and establishes a special mechanism of presentation of periodic reports by UNESCO member States. UNESCO also played a specific role in the abolishment of the system of apartheid and has undertaken many activities in the struggle against discrimination on grounds of race, ethnic origin, language, gender, etc.

2. The International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001) and the World Conference are excellent opportunities to appeal to member States which have not yet done so to ratify international instruments against discrimination and to ensure their implementation through the adoption of national laws and the creation of relevant national bodies. UNESCO's Convention on Discrimination in Education (1960), a cornerstone instrument in the struggle against discrimination, is of particular importance in this endeavour.

3. Education for human rights is indeed a powerful tool in the struggle against racism. It assists in overcoming prejudices and negative stereotypes and in combating racist propaganda and in forming behavioural patterns and attitudes based on an unconditional respect for the principle of non-discrimination and in sensitizing public opinion regarding problems and threats created by racism, xenophobia and related intolerance. In General Assembly resolution 54/154 concerning the Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which strongly underlines "the importance of education as a significant means of preventing and eradicating racism and racial discrimination". UNESCO was requested "to continue its work on the preparation and dissemination of teaching materials and teaching aids to

promote teaching, training and education activities on human rights and against racism and racial discrimination, with particular emphasis on activities at the primary and secondary levels of education".

4. Activities related to the struggle against racial propaganda, especially on the Internet, are also among the priorities for UNESCO which has much experience in the struggle against violence and child pornography on the Internet. The organization will cooperate closely with OHCHR if this item is on the agenda of the World Conference.

II. REPLIES RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS

A. Inter-American Indigenous Institute

The Inter-America Indigenous Institute, a specialized human rights organ within the inter-American system, wishes to submit to the Preparatory Committee for the World Conference the following suggestions as its contribution to the first session:

- To include on the agenda of the World Conference an item on the rights of indigenous peoples with the participation of those peoples;

- To include in the draft final document commitments by States with regard to the goals of the International Decade of the World's Indigenous People, approval of the draft United Nations declaration on the rights of indigenous people, establishment of a permanent forum for indigenous people within the United Nations system and the definition of international norms on the question of the collective intellectual property of indigenous peoples.

B. International Organization for Migration

1. One of the primary objectives of IOM is to work towards the effective respect of the human rights of migrants. As such, it goes without saying that the organization is gravely concerned about racial discrimination in all its forms. Migrants are often (and wrongly) made the scapegoat for social and economic ills in both developed and developing countries. In this context, migrants all too often become the targets of violence and intimidation. The situation is most serious for migrants who are in an irregular situation, many of whom are subjected to discrimination in their host country and, as a practical matter, are often hindered from accessing protection for their rights.

2. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention) was adopted by the General Assembly in 1990. This human rights convention is a very important one, particularly in that it explicitly reaffirms the need to ensure the rights of persons in irregular situations. However, despite numerous resolutions of the Commission on Human Rights encouraging ratification of the Migrant Workers Convention, and several resolutions on the General Assembly to the same effect, the situation remains that, 10 years later, only a very small number of States have chosen to ratify this Convention.

3. It is hoped that the World Conference will reaffirm the above-mentioned recommendation to States and encourage them to ratify the Migrant Workers Convention. In addition, IOM hopes that the Conference would decide on concrete measures to promote ratification of this very important human rights convention. In this framework, appropriate action, such as a series of expert meetings, as well as direct discussions with State representatives, could be taken to explore with States why ratification has proven difficult. Any such measure would require adequate resources to be made available by the international community.

4. It should also be stressed by the Conference, however, that not having ratified the Migrant Workers Convention by no means exempts a State from protecting the rights of migrants, in accordance with applicable standards. Most of the international human rights standards in force apply to all persons on a State's territory or within its jurisdiction, and the Conference should emphasize the obligations of States under these standards to ensure that the human rights of migrants are protected accordingly. In addition, a number of Conventions of the International Labour Organization (ILO) provide protection for migrant workers, and ratification of these Conventions should also be encouraged by the Conference.

5. IOM notes that the internationally recognized definition of "racial discrimination" contained in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) states that any measure which has the "purpose or effect of nullifying the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" amounts to racial discrimination. In other words, it is not sufficient to argue only that there was no discriminatory intent behind a particular action or policy. States' obligations go far beyond that; they must ensure that their actions, as well as the actions of private entities or individuals, do not have racially discriminatory effects. The Conference should stress the obligation of States to test policies in a wide range of fields against this standard.

6. Migration is one area where States should be cautious to avoid their policies having racially discriminatory effects. Through various restrictions on immigration, some States may have embarked upon a process which could have the result of encouraging discriminatory attitudes. While all States have the sovereign right to restrict the entry of foreign nationals, this right must be exercised in conformity with their obligations under international human rights law. In addition, immigration policies may be implemented in a racially discriminatory manner, for example by border controls based on insufficient knowledge of their State's international obligations.

7. The importance of ensuring adequate national remedies for persons subjected to racial discrimination is paramount. International human rights mechanisms play a vital role in the protection of human rights, but were never intended to be, and cannot act as, a substitute for national institutions. IOM notes that the necessity of effective national remedies for victims of racial discrimination is recognized explicitly in ICERD and submits that it is important for the Conference to stress this point.

8. The importance of effective remedies is particularly relevant in the case of migrants in an irregular situation, who, as a practical matter, are often unable to access national remedies, for fear of having their irregular status exposed and being expelled. Special care must be taken to ensure that migrants in an irregular situation are able, as a practical measure, to have access to national remedies.

9. As noted above, in many countries migrants have been turned into scapegoats for real or perceived economic or social problems. "Illegal" migrants have been portrayed as criminals, welfare cheats, and generally menaces to the cohesion of society. Such portrayals are related to alarming incidents of violence directed towards migrants and other persons of non-dominant races.

10. In most societies there exist groups which harbour real fears of economic and social marginalization. In this context, migrants can be an easy scapegoat; they usually have little or no political "voice" to ensure that the true situation of the migrant community and its contributions to society are widely recognized. The victimization of migrants in this way creates an emotive and heated atmosphere, and prevents a reasoned national debate regarding migration. As part of a firm stance against racial discrimination, States should ensure that the public receives accurate information regarding migration issues, including the situation of migrants and the historical benefits of migration.

11. One of the main pillars of the United Nations restructuring which took place in 1997 was that human rights concerns should be integrated into the entire spectrum of United Nations activities, and that all United Nations agencies should take into account the human rights framework when planning and implementing their activities. IOM would submit, therefore, that it is the responsibility of all United Nations and other international agencies to contribute towards the eradication of racial discrimination.

12. Agencies could increase their involvement in this regard by providing relevant information to the various bodies and entities within the United Nations human rights system charged specifically with combating racial discrimination, such as CERD, the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, and the Special Rapporteur on the human rights of migrants. In order to provide this kind of information in the most effective manner, measures would be necessary to ensure that staff in each agency have the necessary expertise in issues of racial discrimination. It would be effective for contact persons from various organizations to meet regularly, to share information and discuss strategies.

13. Any such activity would involve a concentrated effort on the part of a number of staff, and as such would only be feasible if appropriate amounts of additional resources were to be allocated. Given the importance of an effective, system-wide response to the problem of racism, IOM would hope that the relatively small contribution necessary by States would be recognized to be a worthy one.

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Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Note by the secretariat

1. The General Assembly, in its resolution 154/54, requested Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, and other human rights mechanisms to assist the Preparatory Committee and to undertake reviews and submit recommendations concerning the World Conference and the preparations therefor to the Preparatory Committee, through the Secretary-General, and to participate actively in the Conference.

2. In accordance with the above and Economic and Social Council resolution 1996/31, the documents listed below have been submitted by non-governmental organizations in consultative status with the Economic and Social Council to both the fifty-sixth session of the Commission on Human Rights and the first session of the Preparatory Committee. These documents will bear the symbol numbers for documents issued in the non-governmental organizations series of the Commission on Human Rights and will be listed in the reports of both bodies:

E/CN.4/2000/NGO/28
E/CN.4/2000/NGO/30
E/CN.4/2000/NGO/31
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E/CN.4/2000/NGO/61
E/CN.4/2000/NGO/62
E/CN.4/2000/NGO/63
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3. The secretariat has received a number of contributions from non-governmental organizations in consultative status with the Economic and Social Council to the first session of the Preparatory Committee alone. These documents will bear the symbol A/CONF.189/PC.1/NGO/...

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REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Discrimination against migrants - migrant women: in search of remedies

Contribution by the Special Rapporteur on the human rights of migrants

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CONTENTS

		Paragraphs	Page
Summary			3
Introduction		1 - 6	5
I.	THE HUMAN RIGHTS OF MIGRANTS - MIGRANT WOMEN	7 - 42	6
A.	Consideration by the international community	7 - 10	6
B.	Discrimination	11 - 12	7
C.	Migrant workers	13 - 17	7
D.	The migrant	18 - 22	8
E.	Migrant women and girls	13 - 24	9
F.	Victims of trafficking	25	10
G.	Domestic service	26 - 27	10
H.	Violence against migrant women and girls	28 - 34	10
I.	Violence against migrant men and boys	35	12
J.	Gender-based acts of violence affecting migrant women	36 - 38	12
K.	Some effects of the absence of remedies available to non-nationals	39 - 42	12
II.	MATERIAL FOR DISCUSSION	43 - 52	13
III.	CONCLUSIONS	53 - 58	15
IV.	RECOMMENDATIONS	59 - 63	16
A.	General	59 - 60	16
B.	On a national level	61	17
C.	On an international level	62	18
D.	For non-governmental organizations	63	19

SUMMARY

At its fifty-fifth session, the Commission on Human Rights adopted resolution 1999/44 entitled "Human rights of migrants", in which it appointed a special rapporteur on those rights. The task before the Special Rapporteur is to achieve effective respect for the human rights of as many categories of migrants as possible, wherever they may be, including places of detention, transfer and resettlement in return areas for undocumented migrants.

One step is to contribute to the work of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Another is to take note of the numerous cases of discrimination and violence against women migrants.

This document starts with the observation that very few cases of such discrimination and violence are reported and even fewer are the subject of a formal complaint. This would point to a de facto denial of remedies available to non-nationals, and at the same time obstructs any possibility of dialogue or policies that could counter such practices. Briefly, it may be said that the lack of appropriate procedures means that there is little reporting of cases and that the absence of reporting in turn makes it difficult to take the necessary measures to ensure that cases are reported.

This denial of remedies has serious effects, particularly for migrant women belonging to minorities who, when they are questioned or detained during transfer or at their destination, suffer violations of their rights. This violence, which may be described as gender-specific, in addition to harming the women concerned often remains unpunished. As a result, the lack of reporting helps to perpetuate patterns of female subordination and constitutes an act of discrimination by omission, which needs to be corrected. This will have a crucial effect on the conditions in which migrant women are resettled if and when they return home (resolution 1999/44, para. 3).

In view of the prevailing lack of protection for the rights of this segment of migrant populations, there is a need to discuss the concepts contained in human rights instruments, especially those relating to the status of migrants and migrant workers and to violence against migrant women and girls, together with their implications for the responsibilities of States. A further question is whether the forums available for intersectoral dialogue, in which the migrants themselves are involved, offer viable opportunities for seeking remedies for the unprotected situation of this large segment of the world's population.

This document gives some suggestions on how to prevent discrimination and violence against women migrants, by improving the channels by which such practices can be corrected. One important means of achieving this is to allow migrants the opportunity to communicate what they experience before, during and after their transfer. Another is empowering them to do that by making their views known in the forums where decisions are made specifically with respect to migration policies (resolution 1999/44, para. 6).

On the basis of that discussion, the means are assessed of ensuring that such violence, and the discrimination implicit in the absence of available procedures for documenting it, does

not have the effect of perpetuating women's subordination in their societies of origin, transit, destination and possible return. A central issue in this debate refers to the root causes of the under-reporting* of these violations. This raises the issue of the common origin of violence against women, discrimination and intolerance. Because of the marginalized status of women migrants, especially those belonging to minorities, these causes are a determining factor in the search for remedies and in efforts to build a society that respects human rights.

The final section contains some recommendations for the elaboration of a strategy for remedying violations of the human rights of migrants - women migrants, and in particular the many forms of discrimination to which they are exposed. Opportunities for dialogue are suggested as being an important means for enabling migrants and their organizations to make themselves heard. This is seen as a strategy for overcoming the vicious cycle of victimization by recognizing the ability of migrants to defend their own rights.

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* By under-reporting is meant the absence of formal complaints against acts violating the human rights of migrant women and the omission of such acts from their testimonies regarding migration. In everyday terms under-reporting is equivalent to a lack of information.

Introduction

"One activity which should form part of the preparation for the World Conference is to make as precise a diagnosis as possible of what constitutes acts of racism. We can do this with the assistance of the Committee on the Elimination of Racial Discrimination by making an inventory of the specific forms that racism takes in society, by drawing up profiles of the victims and racist hate organizations, and by assessing the reaction of public opinion. It will also be necessary to look closely at new and emerging forms of racism, xenophobia and related intolerance, and the difficulties victims have in obtaining adequate recourse against these phenomena ... Another phenomenon which must receive adequate attention is the situation of migrants whose numbers are increasing all the time The phenomenon of large-scale migration has often been accompanied by increased instances of racism and xenophobia."[1]

Mary Robinson,
High Commissioner for Human Rights

1. Commission on Human Rights resolution 1999/44, which defines the mandate of the Special Rapporteur on the human rights of migrants, states that she should contribute to the work of the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The resolution further stipulates that in order to overcome the obstacles to full protection for migrants the Special Rapporteur should "request and receive information from all relevant sources, including migrants themselves" and "formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur". The Special Rapporteur should also "take into account a gender perspective when requesting and analysing information, as well as ... give special attention to the occurrence of multiple discrimination and violence against migrant women".

2. Pursuant to that resolution, the Special Rapporteur began her work by requesting States, and intergovernmental, international and non-governmental organizations to provide her with full information of relevance to her mandate. As a result of this request, the Office of the High Commissioner has received information from various sources that is being analysed and that will be added to through a broader appeal, aimed especially at obtaining information from the migrants themselves and their organizations.

3. This document therefore focuses on the consequences of one of the forms of discrimination that migrants are often subjected to, namely the de facto denial of remedies available to non-nationals. Such discrimination by omission particularly affects migrant women belonging to minorities who, when questioned or detained in the course of transit or at their destination, are subjected to gender-specific violence. Regardless of who commits the violence, such discrimination occurs because States fail to make remedies available to these women; the lack of remedies makes it impossible for violations to be reported and, therefore, for appropriate remedial measures to be taken. Commission on Human Rights resolution 1997/13 on women migrant workers has already drawn attention to this aspect.

4. The under-reporting of this type of violation aggrevates the harm done to the victims, i.e. the migrant women, and perpetuates patterns of female subordination, thus contravening international provisions on women's rights. This under-reporting is recognized by several

sources in the field. It concerns women who belong to national minorities or women who do not speak the language of the country of transit or destination. Fragmentary information on the subject has been supplied by migrant women themselves or by their organizations, and by organizations present in frontier areas, particularly church groups. The consequences for individuals, families and communities of acts of violence against migrant women have a decisive impact if and when the process of resettling migrant women in their places of origin is undertaken.

5. Acts of violence against women are committed in different circumstances: in the home, in the community or at the hands of State institutions. The Special Rapporteur wishes to highlight the special case of migrant women who cross borders between countries or who are in transit through countries of which they are not nationals or whose official language they do not speak, and who are called in for questioning or possibly detained in a holding centre or other facility for migrants, only perhaps to be sent back to the nearest frontier or to their country of origin.

6. The document is divided into three parts. The first part, on the human rights of migrants, comments on the provisions in international instruments that concern migrants' rights, in the light of an analysis of some of the categories of migrants that are most exposed to rights violations. Particular reference is made here to the definition of "migrant" used by the Special Rapporteur. Part II, material for discussion, looks at the key facets of the problem and the conditions in which migrants' rights are violated. In the last part, conclusions and recommendations, the Special Rapporteur highlights salient points of the discussion and outlines some recommendations.

I. THE HUMAN RIGHTS OF MIGRANTS - MIGRANT WOMEN

A. Consideration by the international community

7. Several forums have drawn attention to the rights of migrants. In addition to the initiative of the Commission on Human Rights and the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 (part II, paras. 33-35), the Programme of Action of the Cairo International Conference on Population and Development (Chap. X), the Programme of Action of the Copenhagen World Summit for Social Development (Chap. III) and the Platform for Action of the Fourth World Conference on Women, held in Beijing, (chap. IV. D) devote special attention to the subject of the human rights of migrants.

8. At the same time, the international community's interest in and concern for the protection of women's rights has been reflected in the Mexico (1975), Copenhagen (1980), Nairobi (1985) and Beijing (1995) conferences. It has also been reiterated in the United Nations declaration of 1975 as International Women's Year, followed by the United Nations Decade for Women (1976-1985) and the adoption by the General Assembly in resolution 54/4 of 6 October 1999 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

9. The Commission on Human Rights for its part, implicitly recognizing the limitations of the expression "migrant workers", set up first the Intergovernmental Working Group of Experts on the human rights of migrants and, more recently, the post of Special Rapporteur on the human rights of migrants.

10. Many international human rights norms refer to States' obligations to protect women against gender-based violence (General Recommendation No. 19 adopted by the Committee on the Elimination of Discrimination Against Women at its eleventh session in 1992) and against discrimination (International Convention on the Elimination of All Forms of Discrimination against Women, article 6, in addition to those already mentioned). The international legislation of the International Labour Organization (ILO) on migrants' rights also includes the obligation of States to protect this group from discrimination. The notions involved are considered in more detail below.

B. Discrimination

11. The definition of discrimination is clear. It refers to:

> "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life" (Convention, art. 1 (1)).

12. In 1968 the General Assembly adopted the two terms - racism and racial discrimination - and agreed that the term "racism" extends beyond racial discrimination.[2]

C. Migrant workers

13. The broad spectrum of international migrations covers certain officially defined categories of migrant.[3] There are, for example, the definitions of migrant workers contained in the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. There are also the ILO Conventions 97 (revised) of 1949 (41 ratifications) and 143 of 1975 (18 ratifications) on migration in abusive conditions and on the protection of equal opportunities and treatment for migrant workers.

14. In the instruments referred to or in the rules for their implementation various sub-categories are defined, such as asylum-seekers or persons in situations similar to those of refugees, as well as various specific categories of migrant workers (frontier workers, seasonal workers etc.). In article 2 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the term "migrant worker" is defined as "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national".

15. For the purposes of considering and strengthening the protection of the human rights of migrants, priority attention should also be given to migrants in irregular situations. The 1990

Convention definition provides for the rights of those who are to be or have been engaged in an activity. The human rights of undocumented migrants are also a cause for concern, as are the rights of victims of trafficking, regardless of their work situation.

16. There is also reason to be concerned with the rights of other groups or categories of persons who may not be covered by the definitions given above and who are exposed to discrimination or the denial of their rights. Such persons are particularly unprotected from the legal, social and political standpoint, in the places where they reside or through which they transit. The Special Rapporteur wishes to refer here especially to those internal migrants, victims of violence, armed conflict, natural disasters or social, economic or cultural breakdown, who move within or outside their own country and who according to the recent definition are known as "displaced persons in transit". This category of migrants is also without protection once they have crossed an international border.

17. Returning to the definition in the 1990 Convention it is worth pointing out that it covers undocumented workers, who enjoy certain rights recognized in part III (Human Rights of All Migrant Workers and Members of Their Families). Article 2, paragraph 2 of the Convention defines some specific categories of migrant workers, including frontier workers, seasonal workers, seafarers, workers on offshore installations, itinerant workers, project-tied workers, and self-employed workers. The definition in article 2 refers exclusively to migrant workers who are outside their own country. In this instrument, the rights of migrant women are taken to be the same as for any migrant worker or any member of a migrant worker's family or as provided for by national legislation in the "State of employment". Lastly, it may be recalled that the 1990 Convention has not received sufficient ratifications to enter into force.

D. The migrant

18. Since the general term "migrant" has not yet been specifically defined in international law or politics, we need to establish a working definition that will make it possible to recognize and deal with situations in which the human rights of these individuals are protected by a legal, social or political framework.

19. In international law there is no universally admitted generic or general legal concept of a migrant. It is often said that, by definition, many international migrants are not refugees and a considerable number of them are not migrant workers either. This is particularly true in the case of the many migrants without documents or in an irregular situation, including those that have been victims of trafficking in persons and who are the most exposed to potential or actual violations of their human rights.

20. In this regard there is a gap in international human rights jurisprudence. The virtually universal system for the protection of refugees allows for recognition and remedy of violations of their civil and political rights, above all when the lives and safety of the individuals concerned are so threatened that they feel compelled to flee their country. But there is no similar recognition of violations of economic, social and cultural rights, which can also be so serious as to force the persons to flee their place of origin, as in fact occurs with many migrants.

21. Often physical violence or other rights violations target persons who differ in colour, physical appearance, clothing, accent or religion from the majority in the host country, regardless of their legal status. The Special Rapporteur wishes to stress the fact that the profile of the victims and the nature of the abuses are not affected by whether those persons are refugees, documented immigrants, members of national minorities or undocumented migrants. The 1990 Convention aims to protect persons who are particularly at risk from xenophobic or nationalistic ideas and to ensure protection for some groups for which the ILO conventions provide no guarantee.

22. Consequently, in order to draft a human rights oriented definition of the term migrant, the first factor to consider is whether or not migrants' rights currently enjoy any form of legal, social or political protection. A preliminary proposal for a basic definition of migrants, taking into account their human rights, might include the following elements:

(a) Persons who are outside the territory of their State of nationality or citizenship and not subject to its legal protection, and are in the territory of another State;

(b) Persons who do not enjoy general legal recognition of the rights inherent in the status of refugee, permanent resident, naturalized citizen or other similar status granted by the host State;

(c) Persons who likewise do not enjoy general legal protection of their fundamental rights by virtue of diplomatic agreements, visas or other accords.

E. Migrant women and girls

23. Despite the fact that the 1990 Convention, in article 16, confers on migrant workers and members of their families the right to "effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions", some people have pointed out that the instrument does not deal with the vulnerability of women migrant workers, especially to prostitution and sexual abuse (see E/CN.4/1997/47).

24. The peculiar situation of women migrants has been recognized in the Beijing Platform for Action, paragraph 46, in the following terms:

> "The Platform for Action recognizes that women face barriers to full equality and advancement because of such factors as their race, age, language, ethnicity, culture, religion or disability, because they are indigenous women or because of other status. Many women encounter specific obstacles related to their family status, particularly as single parents; and to their socio-economic status, including their living conditions in rural, isolated or impoverished areas. Additional barriers also exist for refugee women, other displaced women, including internally displaced women, as well as for immigrant women and migrant women, including women migrant workers. Many women are also particularly affected by environmental disasters, serious and infectious diseases and various forms of violence against women."

F. Victims of trafficking

25. Additionally, initiatives are under way for the preparation of the two Protocols to the United Nations Convention against Transnational Organized Crime, one on trafficking and the other on infiltration of persons across borders, which reflect the international community's determination to eradicate this practice. Trafficking and smuggling of persons are particularly reprehensible when the victims are women and children, although such practices frequently also involve adult male migrants. It is important to make clear that the purpose of this discussion is to deal with violations of the human rights of migrants - migrant women and to find remedies for them, and does not concern only victims of trafficking.

G. Domestic service

26. One of the categories exposed to the type of violation dealt with here is that of women domestic workers. The absence of remedies for non-nationals and the resulting lack of policies to prevent the violation of their rights are typical of this population group. There is abundant evidence of the large number of women who migrate in order to find work in domestic service. Information from the field, particularly from marginal and frontier communities, suggests that both physical and sexual abuse against these women and the absence of any complaints about such abuse to the competent authorities are basic features of such migration.

27. The Committee on the Elimination of Racial Discrimination has already reported on the ill-treatment of foreign workers, including women in domestic service, recognizing the seriousness of the problem and the insufficiency of available remedies (see A/50/18, paras. 566 and 567).

H. Violence against migrant women and girls

28. The physical and sexual abuse of migrant women during their transfer or in places of detention must be considered also as a specific form of violence against women. In accordance with the definition in the Convention, this violence includes "violence that is directed against a woman because she is a woman or that affects women disproportionately".[4]

29. According to article 2 of the Declaration on the Elimination of Violence against Women:

> "Violence against women shall be understood to encompass, but not be limited to, the following: (a) "Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation."

30. The Special Rapporteur on violence against women, Mrs. Radhika Coomaraswamy, has also frequently mentioned the condition of women in domestic service and their vulnerability:

> "Factors such as isolation from one's community and family, sexism, racism and classism further exacerbate the conditions that lead to widespread violence against domestic servants and abuse at the hands of their employers within the walls of what has become both their home and their workplace." (E/CN.4/1996/53, para. 79)

Discrimination against migrants - women migrants

31. The aspect of particular interest, which, as we said, is typical of a form of discrimination against women who belong to minorities or do not speak the official language of the country they are in, is the absence of remedies available to non-nationals, particularly in the case of migrant women who have been the victims of sexual abuse. Therefore, in accordance with the areas identified in the Beijing Platform for Action, this type of violence against women and the discrimination resulting from the lack of procedures through which it may be reported and documented, should be considered primarily as a form of discrimination by State institutions. Its consequences, apart from the harm done to the victims, include the difficulty of devising any means of remedying or preventing it. In its resolution 1997/13, the Commission on Human Rights also highlights the violence to which this group of persons is often exposed.

32. The Committee on the Elimination of Discrimination against Women, in its General Recommendation No. 19, describes the State's responsibility for this type of act as follows:

> "Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation." (para. 9)

33. Acts of violence against migrant women and the absence of remedies available for formal complaints against such acts and their documentation also fall specifically within the scope of international provisions relating to conditions of detention and more concretely those relating to violence against detained women. [5]

> "Custodial violence against women is a widespread and troubling phenomenon. Abuse of power by government agents, usually police or military personnel, under non-transparent and highly unequal conditions, together with the impunity accorded to such agents, constitute the bases on which custodial violence ferments and grows." (E/CN.4/1995/42, para. 248)

34. Rape while in custody and other forms of sexual violence against undocumented women from minority groups, together with the fact that such violations are not reported, are considered here as a key phenomenon illustrating the common roots between violence against women and forms of discrimination and intolerance. Understanding those roots is considered by the Special Rapporteur to be fundamental, especially with a view to recommending appropriate remedies. The Special Rapporteur will return to this aspect in part II of this document.

I. Violence against migrant men and boys

35. The situation described above concerning violence, particularly sexual violence against migrant women in places of detention and the absence of available remedies as a form of discrimination, also affects migrant boys and to an indefinite extent also migrant men. Some of the reasons why this type of violation is not formally denounced in the case of women also apply in the case of migrant boys and men; others are specific to women. The consequences of this violence, and the consequences of the fact that they are not reported owing to a lack of remedies, are equally serious in the case of migrant boys and in the case of migrant men. In the same way as the lack of any record is an irremediable impediment when it comes to developing policies to protect the human rights of migrant women, the same limitations apply in the case of migrant boys and men whose rights have not been respected. The specific way these problems affect the migrant population needs to be analysed, perhaps on another occasion.

J. Gender-based acts of violence affecting migrant women

36. Various sources, which have to remain nameless owing to the circumstances in which they assist migrant women, as well as field observations of different origins, have described the harsh conditions in which women migrate everywhere in the world. The difficulties encountered by these women are considerable; many of them come from rural areas, move to towns locally or within the country and later cross international borders. Very often the border passage is made without the necessary papers. The lack of social support and protection networks and in many cases linguistic isolation make this sector of the migrant population particularly vulnerable.

37. Acts of physical, sexual and psychological violence in family, community and institutional circles, which frequently occur in the migrants' home setting, are followed by those of the private agents and corporate officials during such persons' transit across territories and frontiers. Sexual harassment and requests for sexual favours, in exchange for protection or permission to pass through frontiers and road blocks, appear frequently in the testimonies of women in transit in different parts of the world.

38. These acts, which violate the rights of women and constitute forms of gender-based persecution, are also committed by traffickers, smugglers and bosses. Whether in the case of private agents, corporate officials or authorities, the implications of lodging a complaint are more serious if the migrants are women (see E/CN.4/1999/68/Add.2), who do not speak the language of the authority they are dealing with and who are not equipped with the necessary papers, as is often the case.

K. Some effects of the absence of remedies available to non-nationals

39. One of the aspects which makes it difficult to lodge complaints against these acts is, as we pointed out earlier, the linguistic isolation in which many migrant women find themselves. When they are held for questioning and/or detained, this prevents them from communicating with the competent authorities. The notion that what has happened to them "is inevitable" and their ignorance of their rights are also decisive factors.

40. Another even more complex situation is the one where some authority is actually involved in the acts of violence against women. Attitudes based on racial prejudice and ignorance of the gender-specific situation of women migrants, on the part of border and corporate officials in charge of dealing with these persons, are also crucial:

> "In view of the social situation of persons who are potential victims of discrimination, the authorities must take steps to make them aware of, and provide them with information about, the existence and value of these remedies. Conditions governing access to remedies should also be simplified" (HR/GVA/WCR/SEM.1/2000/2).[6]

41. When there is no access to remedies on which to base complaints, these acts remain unpunished, as we have already pointed out, and the possibility of compensation, to the extent that any is available, disappears. This situation affects the individual involved, especially the image she has of herself and her level of self-esteem. It also affects any chance these women may have to establish relationships, on equal terms, with those around them and affects the way they are received in both destination and return communities. Last but not least, the absence of appropriate procedures signifies that there is a complete lack of information required for developing remedies and preventing new violations of rights.

42. The lack of records, especially considering that it amounts to a form of exclusion of those concerned, has a further negative effect by giving rise to attitudes whereby migrants, in this case migrant women, are looked upon only as victims. This problem is particularly acute when it comes to finding solutions for migrant women who originate from and will return eventually to traditional cultures and communities. The Special Rapporteur would like to draw attention to the fact that any effort to "normalize"[7] the migration issue, thus creating a climate propitious to the search for remedies to the violation of migrants' rights, is obstructed not only by racial prejudice and xenophobia, but also by the sort of "victim-related" outlook so common in assistance work.

II. MATERIAL FOR DISCUSSION

43. In article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, the States parties undertake to assure:

> "to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination".

44. The issue which the Special Rapporteur wishes to raise in the debate is the essential need to find remedies for discrimination against migrants. In the particular case in hand, it is a question of finding remedies to prevent these violations from being repeated and to prevent the ppersistence of discrimination against migrant women, which in addition reinforces the subordinate role attributed to women in society. In this case, discrimination consists in the unavailability of remedies which allow migrant women belonging to minorities to lodge

complaints about the violence to which they have been subjected. This absence of remedies, as we noted earlier, at the same time gives rise to a lack of records and hence to the impossibility of formulating remedial policies.

45. Regarding the real need to have access to information disaggregated according to sex[8] in order to be able to recommend and remedy, the Special Rapporteur on violence against women expresses the following view:

> "The situation of women can only be identified and improved where disaggregated statistical data and other information are available. Such information is particularly lacking for vulnerable groups, such as women victims of violence (domestic violence or violence perpetrated by their State of origin, for instance). One consequence of this absence of qualitative and quantitative information is the reduced effectiveness of programme implementation." (E/CN.4/1999/68/Add.2, para. 192)

46. On the subject of the lack of remedies in this case, we may quote the following extract from the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the General Assembly in resolution 43/173 of 9 December 1988, where it mentions the need for interpretation services:

> "Principle 14: A person who does not adequately understand or speak the language used by the authorities responsible for his arrest, detention or imprisonment is entitled to receive promptly in a language which he understands the information referred to in principle 10, principle 11, paragraph 2, principle 12, paragraph 1, and principle 13 and to have the assistance, free of charge, if necessary, of an interpreter in connection with legal proceedings subsequent to his arrest."

47. Clearly, though, the problem of lodging complaints against acts of violence in general, and acts of sexual violence in particular, committed by officials and/or private agents, both inside and outside places of detention, is not only one of language. The causes of the problem are deep rooted in the way many societies are organized and in the attitude of discrimination against women that prevails in those societies. The question of power or, in this case, the lack of power by migrant women, in relation to officials in places of detention is undoubtedly one contributory factor.

> "(...) Cases are cited in which the police have halted women's attempts to flee abusive domestic situations and to file formal complaints by returning women to their violent employers. Furthermore, even though there do exist mechanisms of criminal accountability, such as rape and assault statutes, cultural biases against believing women and tendencies to blame the victims of violence themselves often thwart attempts to transform reports into investigations, arrests or prosecutions." (E/CN.4/1996/53, para. 81)[9]

48. Another aspect, the consequences of which for the future of migrant women exposed to violence are crucial, is the problem of impunity. Its effects within the family, the community and society, and on a psychological level, are all important. Much emphasis has been laid on the importance for the individual and the community of the fact that acts that violate rights should be

socially penalized. In this particular case, impunity, both with respect to the violent act and to discrimination by omission, arising from the lack of remedies available to non-national migrant women, perpetuates a social situation whose foundations are contrary to human rights. On the level of society in general, this question of impunity raises the issue of the social dimension of reparation, known as the process of reconciliation.[10]

49. Despite the fact that full reparation in the case of violence against women, or in the case of discrimination arising from the lack of available complaint procedures, is practically impossible to the extent that such acts constitute an affront to human dignity, respect for the rule of law is undoubtedly an important factor in the lives of the individuals and the communities affected.

50. Enlarging on this last point, the Special Rapporteur wishes to emphasize that it is respect for the rule of law, as referred to above, which guarantees the right to speak for the individual and society. The denial of this right should then be seen as an immediate effect of the absence of remedies allowing free expression. Generally, however, the denial is related to social systems opposed to all equity, all justice and hence to all basic forms of democracy.[11] The immediate effect of the denial is to render impossible any type of dialogue which could further the necessary though insufficient search for remedies for acts already committed and which can help prevent future violations of migrants' human rights.

51. We referred above to the connection between the origins of violence against women and the origins of discrimination. It is worth noting that underlying these two scourges, i.e. violence against women and discrimination, is the difficulty for the social system, in particular one based on patriarchal and sociocentric values, to live with otherness. The difficulty inherent in the social system regarding otherness is echoed in the way the individuals produced by the social system are socialized and tend to perpetuate their own kind. This difficulty leads in more general terms to a tendency for the heteronomous social system[12] to repeat itself.

52. Denying migrant women who have been the victims of gender-based violence the right to speak is tantamount to condemning them to return to situations of physical, psychological and sexual abuse from which they could be escaping.[13] It again precludes the possibility of achieving explicit recognition of the fact that the social standard is based on the infinite universe of the speech of men and women, and that in a society of human rights this standard must be accepted as an overriding principle. In this sense, whatever remedies can be made available to migrant women, in addition to existing ones, to allow them to recover their speech, beyond their victimization, provide the key to remedying, as far as possible, the profound individual and collective effects of discrimination and those derived from violence and exclusion against women. Recovering these women's free expression is vital for the elaboration of any policies for the prevention of discrimination and violence against migrant women.

III. CONCLUSIONS

53. One of the main obstacles to remedying violations of the human rights of migrants consists in the lack of information regarding the type of violations, the places where they occur and their characteristics. The under-recording is greater to the extent that the migrants are more

marginal and to the extent that they have less power. The case of migrant women, especially those from language minorities, whether national or not, is one of the most extreme examples of such under-recording and one which requires the most urgent measures.

54. Owing to the way the phenomenon of migration has evolved in recent years, it is migrant women who more and more frequently move around within their countries of origin and outside them. The absence of remedies for non-nationals, particularly of interpretation services for women from language minorities who are held for questioning, detained or deported, presupposes a form of discrimination already condemned by international instruments, especially by the International Convention on the Elimination of All Forms of Discrimination. Such discrimination, moreover, in the case of the victims of different forms of violence against women, including sexual abuse, compounds the physical and emotional harm suffered by women exposed to it.

55. The consequences of impunity are particularly incompatible with any community based on the rule of law and a crucial aspect for any action to ensure the return of migrant women to their places of origin. This consideration is of particular relevance in the case of migrant women coming from traditional communities.

56. The obstacle to the full protection of the human rights of migrant women constituted by the lack of recording of the violence to which they are exposed is aggravated by the limitations on the definition of migrant employed in the relevant ratified instruments, and by the limitations which, particularly with respect to the vulnerability of migrant women to sexual violence and prostitution, are inherent in the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families.

57. If we assume that the category of women who are of rural origin and who suffer extreme marginalization - not only linguistic - is vast and constantly growing in whole regions of the world, then we are confronted with a phenomen of discrimination by omission, which is leaving what is estimated to be a significant number of migrant women each day deprived of means of expression. This denial of the right to speak, arising from the lack of available remedies to restore expression to migrant women, is a form of discrimination which in turn gives rise to a major obstacle, not only for the establishment of the rule of law, but also and even more so for the establishment of any system of rights.

58. The States themselves need to institute the systematic recording of conditions prevailing with respect to the entry, transit and, in the event, the return of migrants, and in particular the recording of any violations, before they can plan any migration policy which is respectful of the human rights of migrants-migrant women.

IV. RECOMMENDATIONS

A. General

59. A strategy on different levels of intervention, aimed at remedying the effects of and preventing violations of the human rights of migrants, including violence and discrimination

against women migrants, should be based on a perspective of gender equity, taking into account the transcultural implications - for the peoples of origin, transit, destination and return - of human migrations.

60. It is vitally important that the States and the international community should institute migrant hearings as a regular procedure, provided for in both domestic and international law, with multisectoral participation, including other migrants and their organizations, as a compulsory requirement in any proceedings involving the questioning or detention of migrants-migrant women. Such hearings should be held without any judicial implications regarding the migratory status of the migrants, in places of origin, transit, destination and return.

B. On a national level

61. States must:

(a) Establish penal sanctions against all perpetrators of acts of violence against migrant women, and not only with respect to trafficking;

(b) Provide interpretation services in places intended for the passage or detention of migrant women in conformity with the general recommendations;[14]

(c) Provide medical services including psychosocial care in places intended for the passage or detention of migrant women, in conformity with the general recommendations;

(d) Encourage and assist non-governmental organizations to provide these and other counselling services to migrant women in particular;[15]

(e) Undertake awareness campaigns based on the general recommendations, in places of origin, transit and destination of migrant women;

(f) Ensure that the training of officials includes guidance on dealing with migrants, based on an approach which takes account not only of the positive aspects of migrations but also of the ability of the migrants themselves to find remedies and to prevent violations of their rights;

(g) Ensure that measures taken on a national level for the return of migrant women to the countries concerned follow the terms of the general recommendations;

(h) Ensure that governmental and non-governmental organizations sectors base their migrant policies on non-restrictive criteria, thus allowing the possibility of identifying new categories of migrants whose rights have to be protected, such as internal migrants or displaced persons in transit.

C. On an international level

62. The international community must:

(a) Promote the competence of the Committee to act as provided in article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, in the event of complaints by migrant women or groups of migrant women;

(b) Promote the adoption of a broader concept of migrant in international instruments, to cover as many categories as possible, including displaced persons in transit;

(c) Take steps to promote technical cooperation with States wishing to incorporate the approach advocated in the general recommendations;

(d) Ensure that Governments affected by a common migratory phenomenon hold regular consultations with other Governments, which include due consideration for human rights;

(e) Encourage the competent United Nations bodies, in the formulation of recommendations and resolutions, to give expression to views which incorporate the positive aspects of migrations and particularly the ability of migrants themselves to find remedies and to prevent violations of their rights;

(f) Encourage direct dialogue between migrants and their organizations and the Governments of countries of origin, transit and destination, with a view to reflecting the ratification of international instruments in domestic legislation and in administrative policies and measures;

(g) Seek ways of overcoming reservations with regard to the rights of migrants related to differences between nationals and non-nationals, without prejudice to State sovereignty;

(h) Involve the specialized agencies of the system, including the International Labour Organization (ILO), and other organizations such as the International Organization for Migration (IOM), in combating the under-recording of the circumstances in which women migrate and especially of information provided by migrant women who have been affected by gender-based violence;

(i) Urge treaty bodies, such as the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW), to draw up a general recommendation on migrant women[16] incorporating the views outlined in this document;

(j) Call on States to reflect the adoption of international standards in their administrative measures, providing for the training and awareness of frontier officials in line with the terms of the general recommendations;

(k) Promote the ratification of instruments and the creation of a culture of human rights and tolerance in educational programmes, especially in geographical areas most effected by migration, with emphasis on the positive aspects of human migrations;

(l) Ensure that whatever measures are provided internationally for the return of migrant women to their countries of origin are in conformity with the terms of the general recommendations.

D. For non-governmental organizations

63. Non-governmental organizations must:

(a) Cooperate with Governments and with the international community to implement services for the reception of migrants at frontiers, as advocated in the general recommendations;

(b) Cooperate technically to create facilities for documenting cases of gender-based persecution and discrimination due to the lack of remedies for non-nationals;

(c) Arrange for and expand, in accordance with the terms of the general recommendations, their own representation at frontier crossings and in areas of migration transit and destination, particularly where women migrants are involved;

(d) Ensure that policies for the strengthening of institutions should incorporate views which take account of the positive aspects of migrations and in particular of the ability of migrants themselves to find remedies and to prevent violations of their rights, through direct dialogue with Governments;

(e) Ensure that whatever measures they are planning within their geographical area of influence, which contemplate the return of migrant women to countries within that area, comply with the terms of the general recommendations.

Notes

[1] Opening speech at the Expert Seminar on remedies available to the victims of acts of racism, racial discrimination, xenophobia and related intolerance and on good national practices in this field (Geneva, 6-18 February 2000).

[2] E/CN.4/1998/77/Add.1/para. 86.

[3] For other categories of migrants not dealt with here see, on refugees, the Convention and Protocol Relating to the Status of Refugees and, on internally displaced persons, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add. 2, annex).

[4] General Recommendation No. 19, para. 6, of the Committee on the Elimination of Racial Discrimination (HRI/GEN/1/Rev. 3).

[5] See E/CN.4/1999/68/Add.2 in this connection.

[6] Background paper prepared by the secretariat for the Expert Seminar on remedies available to the victims of acts of racism, racial discrimination, xenophobia and related intolerance and on good national practices in this field (Geneva, 16-18 February 2000).

[7] By "normalize" we mean preparing inhabitants of the places of origin, transit, destination and return, and the institutions of those States, to succeed in coexisting with the phenomenon of migration subject to respect for human rights.

[8] See, for example, E/ECE/RW.2/2000/2, Annex II.

[9] The source from which this quotation is taken is Middle East Watch Women's Rights Project, *Punishing the Victim: Rape and Mistreatment of Asian Maids in Kuwait*, New York, August 1992.

[10] The way in which reconciliation has been tackled by the people of South Africa, through public recognition of acts of racism by those who committed them, in the presence of the victims of those acts, stands as a fine example for the world.

[11] Including what is understood as democratic process.

[12] A heteronomous social system is one that identifies its origins not in the practical behaviour of men and women and in their discourse, but in entities outside itself. One example, though by no means the only one, of this type of society is religious society. The heteronomous society is also defined by opposition to the autonomous society, whose familiar historical form is democracy.

[13] Amnesty International: USA. Lost in the Labyrinth: Detention of Asylum Seekers, 30 September 1999, p. 60. In particular the case of women trying to evade the policy of birth control in China.

[14] See, for example, E/CN.4/1997/47, section III.D. Other measures such as those adopted by the Netherlands and Belgium to combat traffic in women should be considered to combat this phenomenon.

[15] See General Assembly resolution 54/138, para. 9.

[16] Ibid.

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WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE
Preparatory Committee
First session
Geneva, 1-5 May 2000
Item 4 of the provisional agenda

ORGANIZATION OF WORK

Accredication of NGOs not in consultative status with the Economic and Social Council for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the sessions of its Preparatory Committee

Note by the secretariat

Attached is a list* of non-governmental organizations not in consultative status with the Economic and Social Council which have applied to participate in the first session of the Preparatory Committee, in accordance with Council resolution 1996/31, which governs participation of NGOs in international conferences convened by the United Nations and their preparatory processes. On the basis of the information provided and in accordance with that resolution, the secretariat of the World Conference is of the opinion that these non-governmental organizations have established their competence and the relevance of their activities to the work of the Preparatory Committee. The secretariat recommends that these organizations be accredited to participate in the first session of the Preparatory Committee.

* The annex is reproduced as received, in the language of submission only.

ANNEX

NGOs HAVING APPLIED AS 12 APRIL 2000

NAME OF ORGANIZATION	DATE OF APPLICATION	RECOMMENDATION BY THE SECRETARIAT	PERSON IN CHARGE/ ADDRESS
Center for Women Global Leadership *USA*	4 March 2000	Yes	Charlotte Bunch Executive Director Douglass College 160 Ryders Lane New Brunswick, New Jersey 08901-8555 USA Tel: 00 1 732 932 87 82 Fax: 00 1 732 932 1180 e-mail: cwgl@igc.apc.org
KOK *Germany*	20 March 2000	Yes	Barbel Butterweck General Secretary Behlerstrase 35 14467 Potsdam Germany Tel: 00 3 31 28 03 30 0 Fax. 00 3 31 28 03 30 7 e-mail: KOK.Potsdam@t-online.de
Forum contre le racisme *Switzerland*	20 March 2000	Yes	Muriel Beck Kadima Case postale 6145, CH-3001, PCC 30- 5946-7 Switzerland e-mail: forum. against.racism@freesurf.ch
International Council on Human Rights *Switzerland*	3 April 2000	Yes	Mohammad-Mahmoud Mohamedou 48 Chemin du Grand Montfleury, PO Box 1290 Versoix Switzerland Tel: 00 41 22 775 33 00 Fax: 00 41 22 775 3303 e-mail. ichrp@international-council.org

Canadian Race Relations Foundation *Canada*	3 April 2000	Yes	Moy Tam Executive Director 4576 Yonge Street Suite 701 Toronto, Ontario Canada M2N6N4 Tel: 00 1 416 952 35 00 Fax: 00 1 416 952 33 26 e-mail: mtam@crr.ca
Antirasistisk Senter *Norway*	5 April 2000	Yes	Mari Linlokken Postboks 244 Sentrum, 0103 Oslo Norway Tel: 00 22 11 60 00 Fax: 00 22 11 61 00 e-mail: linloekken@antirasistik-senter.no
Horn of Africa Human Rights Watch *Kenya*	6 April 2000	Yes	Dr. Yassion Isse Chairman of HAHRW P.O. Box 11115 Nairobi Kenya Tel: 00 254 2 763048 Fax: 00 254-2 76 3048
Native American Rights Fund *USA*	12 April 2000	Yes	Jerome Gottschalk 1506 Broadway, Boulder, Colorado 80302-6296 USA Tel. 303 4478760 Fax: 303 443 7776 e-mail: jeronimo@narf.org

ADDENDUM

NGOs HAVING APPLIED FROM 13 APRIL TO 20 APRIL 2000

NAME OF ORGANIZATION	DATE OF APPLICATION	RECOMMENDATION BY THE SECRETARIAT	PERSON IN CHARGE/ ADDRESS
Organization of Africans in the Americas *USA*	10 April 2000	Yes	Michael Franklin Executive Director 1234 Massachusetts Avenue, N.W.; Suite C 1007, Washington, D.C. 20005 USA Tel: 202. 638.1662 Fax: 202 638 1667
Columbia University Law School *USA*	13 April 2000	Yes	Catherine Powell Executive Director Jerome L. Greene Hall 435 West 116th Street New York, NY 10027 USA
Migrants Rights International *Switzerland*	17 April 2000	Yes	Patrick Taran 15 route des Morillons C.P. 135 1211 Geneva 20 Switzerland Tel. 00 41 22 917 78 17 e-mail: migrantwatch@vtx.ch